

## Planning and Zoning Commission Minutes

### Regular Meeting

July 13, 2009

<b>6:01 pm Call to Order</b>	A regular meeting of the City of Maricopa Planning and Zoning Commission was held Monday, July 13, 2009 at the Global Water Center (22590 N. Powers Parkway, Maricopa, AZ 85238). The meeting was called to order at 6:01 pm.
<b>Invocation</b>	Commissioner Bradbury delivered the invocation.
<b>Pledge of Allegiance</b>	Commissioner Jones led meeting attendees in the Pledge of Allegiance.
<b>Roll Call</b>	Commissioners present were: Commissioners Tom Bradbury, Bruce Houghton, Dale Jones, Richard Reeves, Courtney Tyler and Henry Wade.  City representatives present were: Planning Manager Kazi Haque, Assistant Planner Rudy Lopez and City Attorney Tina Vannucci.
<b>Agenda Item 3.0: <u>Call to the Public</u></b>	No one from the public came forward.
<b>Agenda Item 4.0: <u>Approval of Minutes</u></b>	Commissioner Bradbury stated that the minutes for the June 22 Planning and Zoning Commission Meeting did not reflect that he had recused himself from discussions and actions pertaining to matters related to the annexation area due to conflict of interest.  Commissioner Wade made a motion to approve agenda item 4.1, approval of the June 22, 2009 Planning and Zoning Commission Meeting Minutes with amendments. Commissioner Jones seconded. Motion passed unanimously, 6-0.
<b>Agenda Item 5.1:</b>	Public Hearing: The City of Maricopa is initiating a change in zoning from County to Municipal Zoning ( <b>ZON09-03</b> ) for all properties within the recently completed Annexation 07-01 as approved by the City Council with Ordinance 08-05. <b><u>Discussion and Action</u></b>  Commissioner Bradbury recused himself from discussion and action pertaining to matters related to the annexation area due to conflict of interest.  Planning Manager Kazi Haque presented the agenda item.  Commissioner Jones stated that the staff report makes no mention that the Planning and Zoning Commission has had two hearings regarding this matter.  Planning Manager Kazi Haque advised that this was an oversight resulting from the continuance of the public hearing.  Commissioner Jones stated that the staff report should include this information before it goes before Council.  Planning Manager Kazi Haque stated that the staff report will be amended prior to being given to Council to include mention of the two public hearings.  Chairman Reeves opened the Public Hearing.  No one from the public came forward.  Chairman Reeves closed the Public Hearing.

	<p>Commissioner Tyler made a motion to approve Agenda Item 5.1.</p> <p>Commissioner Houghton seconded the motion.</p> <p>Motion passed unanimously, 5-0.</p>
<b>Agenda Item 5.2:</b>	<p>A request by staff for review by the Planning and Zoning Commission for the proposed text amendment (TXT-09.01) to the City of Maricopa Zoning Ordinance Article 22 – “Sign Provisions” <b><u>Discussion Only</u></b></p> <p>Planning Manager Kazi Haque stated Assistant Planner Rudy Lopez will be presenting this item and advised that while “Discussion Only” items are typically exchanges between the Commission and Staff, this evening we are amenable to hearing questions from the Public; this will allow Commissioners to think about any questions as a Public Hearing will be held on August 10.</p> <p>Assistant Planner Rudy Lopez presented the agenda item and indicated that Staff has worked diligently with the public on this item, going through three drafts and incorporating many suggestions.</p> <p>Commissioner Jones asked if it was correct that a resident could have four permits per year for garage sale signs.</p> <p>Assistant Planner Rudy Lopez stated that garage sale signs are not permitted, but they are regulated.</p> <p>Commissioner Jones asked how these are tracked.</p> <p>Assistant Planner Rudy Lopez stated that Code Compliance Officer Brian Duncan will be tracking these by the name and address of the resident, which is required on the backs of the signs.</p> <p>Commissioner Jones expressed concern that enforcement would not be possible in this way and suggested that a low-cost permit would help track this.</p> <p>Assistant Planner Rudy Lopez stated that manpower for this type of thing is short at this time, amount of staff for code enforcement is short.</p> <p>Commissioner Jones stated that there would be difficulty keeping the numbers of signs at intersections down.</p> <p>Assistant Planner Rudy Lopez indicated that Staff was confident that Code Enforcement would be able to enforce; signs must have names and addresses on back or will be removed.</p> <p>Chairman Reeves asked if HOAs were being utilized to get the word out to the residents regarding what is acceptable and what is not acceptable in terms of yard sale signs.</p> <p>Assistant Planner Rudy Lopez replied that Code Compliance Officer Brian Duncan does have a relationship with the HOAs.</p> <p>Commissioner Wade stated that the exhibit noted that regarding the yard sale signs, the yard sales should be limited to four sales per calendar year, but is not specific as to if this means per city, per lot, per subdivision, per address, etc. This is not very clear.</p> <p>Assistant Planner Rudy Lopez replied that this is per resident, and would be clarified.</p>

	<p>Commissioner Tyler referred to page 7 #6 in exhibit, “signs directly facing residential districts shall not be illuminated;” wording seems vague – can this be reworded?</p> <p>Assistant Planner Rudy Lopez indicated that we will look into it, can run into trouble with more detail.</p> <p>Chairman Reeves agreed that the wording is too vague and could allow unrealistic complaints.</p> <p>Planning Manager Kazi Haque requested the Commissioners’ input on the wording. Explained that Staff has been able to work with businesses to modify lighting, used QuikTrip’s light band as an example. Will continue to try to find better wording, and would like to hear any ideas.</p> <p>Commissioner Tyler expressed concern regarding item #d on page 19 which allows new business identification banners to be displayed for 90 days with a renewal of an additional 90 days contingent upon the approval of a new application submittal and submittal of a permanent sign application.</p> <p>Assistant Planner Rudy Lopez stressed that a banner may not be renewed unless there has been approval of a new application and submittal of a permanent sign application.</p> <p>Commissioner Tyler stated that six months still seems too long for a temporary banner.</p> <p>Chairman Reeves asked what would happen if, after 90 days, an application had not been submitted.</p> <p>Assistant Planner Rudy Lopez advised that the sign would come down if no new application had been submitted after 90 days.</p> <p>Chairman Reeves asked if this was based upon approval of the new application, and not just submittal of the application.</p> <p>Assistant Planner Rudy Lopez affirmed.</p> <p>Commissioner Tyler asked if the same application could simply be resubmitted.</p> <p>Assistant Planner Rudy Lopez said that if the original application is denied, work would need to be done to meet the criteria needed for approval of the application.</p> <p>Commissioner Wade stated that it seems to be giving them a long time to think about it.</p> <p>Assistant Planner Rudy Lopez stated that this is only if the business needs the additional time and has submitted - and has had approval of - the new application.</p> <p>Planning Manager Kazi Haque stated that Staff is taking all of these comments and concerns into consideration so we can address them when we come back on August 10.</p> <p>Commissioner Tyler advised that she had voiced this same concern previously, perhaps this concern is in the minority, which is fine.</p> <p>Chairman Reeves stated that he believes that everyone has concerns about temporary signage being up for potentially six months.</p> <p>Planning Manager Kazi Haque expressed that progress toward a permanent sign should be displayed before a renewal is granted.</p> <p>Commissioner Jones asked where the section is for close-out sales, bankruptcy</p>
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	<p>advertising, going-out-of-business sales, etc.</p> <p>Assistant Planner Rudy Lopez replied that there is no section currently that addresses specifically those types of signs, but a section may be added if he felt it should.</p> <p>Commissioner Jones stated that he thought a section for these kinds of signs should be added.</p> <p>Commissioner Wade asked if these signs were covered in on page 18 #3 (“Banners, pennants and other promotional displays for temporary sales events may be permitted within the commercial, residential, multi-family and industrial Zoning District, et al”).</p> <p>Assistant Planner Rudy Lopez stated that some cities will have businesses declare close-out, going out of business, etc. sales as “special sales events”; this would give them 14 days. If they need more time, they can make a special request to the city’s zoning manager. If the Commissioners feel comfortable, this language can be used.</p> <p>Chairman Reeves expressed concern about promotional A-frame signs, which seem to keep creeping forward until they are almost on the street. They have a potential to become hazards as they move further from their intended locations.</p> <p>Assistant Planner Rudy Lopez stated that Staff looked into this concern and determined that a 10-foot setback would be safe while being visible to promote the business.</p> <p>Chairman Reeves stated that some buildings are very close to roads, and some parking lots have short walls. Signs may be placed outside of private property and may become hazardous.</p> <p>Assistant Planner Rudy Lopez stated that 10 feet was determined to be a safe setback. It may seem like a lot, but it’s not.</p> <p>Chairman Reeves asked if there were any additional questions for Rudy; there were not.</p> <p>Chairman Reeves advised that he had a speaker card, and invited Kelly Anderson to address the Commission.</p> <p>Kelly Anderson thanked Kazi Haque, Eric Fitzer and Rudy Lopez for their hard work on the sign code portion of the zoning ordinance; has found something that is user-friendly not only to Staff, but also to businesses and developers.</p> <p>Planning Manager Kazi Haque commended Rudy Lopez for his exemplary work; he took over the sign code over a year ago and has done extensive research, in-depth public involvement, and has organized and presented his work professionally and beautifully. The City is lucky to have Rudy.</p> <p>Assistant Planner Rudy Lopez provided an update on Council items pertaining to proposed text amendment (TXT-09.01); discussion during Work Session on August 4, 2009; Public Hearing and Discussion &amp; Action on September 1.</p>
<p><b><u>Agenda Item 6.0:</u></b>  <b><u>Report from</u></b>  <b><u>Commission</u></b>  <b><u>and/or Staff</u></b></p>	<p>Planning Manager Kazi Haque verified that only Commissioner Robertson needed a name tag; will submit order to Danielle Casey.</p> <p>Planning Manager Kazi Haque advised that Council approved the budget; \$50,000.00 for attorney for the zoning ordinance. We are waiting for contract to be awarded, then will be able to move forward. Also, Board of Adjustment upcoming, draft copy of BOA has been done, Council has formed a Transition Task Force. Big O Tires is moving forward, also.</p> <p>Chairman Reeves asked if we’ll be seeing activity on the railroad crossing.</p>

	<p>Planning Manager Kazi Haque affirmed that all permits have been obtained, so we'll be seeing activity.</p> <p>Chairman Reeves asked for update on annexation.</p> <p>City Attorney Tina Vannucci stated that we are waiting to hear from the court, and are proceeding as if it were ours.</p> <p>Commissioner Wade asked if there is any limit on the time that can be taken for the court to make a decision.</p> <p>City Attorney Tina Vannucci replied that there is no limit.</p> <p>Commissioner Wade asked what happens if it continues to be undecided?</p> <p>City Attorney Tina Vannucci replied that we look to the court first, then the county.</p>
<b><u>Agenda Item 7.0: Executive Session</u></b>	There was no executive session.
<b><u>Agenda Item 8.0: Adjournment</u></b>	<p>Commissioner Wade made a motion to adjourn the meeting at 6:50 pm. Commissioner Houghton seconded.</p> <p>AYES: Chairman Rich Reeves, Commissioner Tom Bradbury, Commissioner Bruce Houghton, Commissioner Courtney Tyler and Commissioner Henry Wade</p> <p>NAYES: None.</p> <p>Motion passed unanimously, 6-0.</p>

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Planning and Zoning Commission held on the 13<sup>th</sup> day of July, 2009. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 22<sup>th</sup> day of July, 2009.

Erin Garcia, Administrative Assistant II, for the Planning and Zoning Commission